

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

SUKESH ROY,

Plaintiff,

:

Case No. 3:07-cv-206

-vs-

District Judge Walter Herbert Rice

Chief Magistrate Judge Michael R. Merz

:

ALBERTO GONZALES<sup>1</sup>,

United States Attorney General, et al.,

Defendant.

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**REPORT AND RECOMMENDATIONS ON PLAINTIFF'S SUMMARY JUDGMENT  
MOTION**

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In accordance with the Report and Recommendations filed this date on Defendants' Motion to Dismiss, it is respectfully recommended that Plaintiff's Motion for Summary Judgment (Doc. No. 13) should be denied as moot.

February 22, 2008.

s/ **Michael R. Merz**  
Chief United States Magistrate Judge

**NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically

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<sup>1</sup>The Court takes judicial notice that Michael Mukasey has succeeded Alberto Gonzales as Attorney General of the United States and it therefore automatically substituted for Mr. Gonzales as a defendant pursuant to Fed. R. Civ. P. 25(d). As is customary in this Court, the caption will not be amended to reflect the substitution.

extended to thirteen days (excluding intervening Saturdays, Sundays, and legal holidays) because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B), (C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within ten days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6<sup>th</sup> Cir., 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).